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SENATE BILL 963

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO COURTS; CREATING TWO ADDITIONAL JUDGESHIPS IN THE
BERNALILLO COUNTY METROPOLITAN COURT; ESTABLISHING A DWI COURT;
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
Chapter 318, Section 2, as amended) is amended to read:

"34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF
OFFICE--ELECTION.--[A.] The [elected] term of office for each
judge of the metropolitan court is four years.

~~[B. Any person appointed to fill a vacancy on the
metropolitan court after January 1, 1989 shall serve until the
next general election. That person's successor shall be chosen
at that general election and shall hold the office until the
general election four years later.~~

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1 C. ~~Judges of the Bernalillo county metropolitan~~
2 ~~court for divisions thirteen, fourteen and fifteen shall be~~
3 ~~appointed and shall serve until the 1992 general election.~~
4 ~~Their successors shall be chosen at that general election and~~
5 ~~shall hold office until the general election four years later.~~
6 ~~Additional judges shall be appointed and elected pursuant to~~
7 ~~Article 6 of the constitution of New Mexico.~~

8 D. ~~A judge of the Bernalillo county metropolitan~~
9 ~~court for division sixteen shall be appointed and shall serve~~
10 ~~until the 2000 general election. His successor shall be chosen~~
11 ~~at that general election and shall hold office until the~~
12 ~~general election four years later.] Judges shall be appointed,~~
13 ~~elected and retained in accordance with Article 6 of the~~
14 ~~constitution of New Mexico.~~ "

15 Section 2. Section 34-8A-8 NMSA 1978 (being Laws 1979,
16 Chapter 346, Section 8, as amended) is amended to read:

17 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

18 A. The name of the metropolitan court in the
19 Bernalillo metropolitan district shall be the "Bernalillo
20 county metropolitan court".

21 B. The metropolitan court is an agency of the
22 judicial department of state government. Personnel of the
23 metropolitan court are subject to all laws and regulations
24 applicable to state officers and agencies and state officers
25 and employees, except where otherwise specifically provided by

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1 law.

2 C. A division to be known as the "DWI court" is
3 established in the Bernalillo county metropolitan court. The
4 chief metropolitan court judge shall designate no less than
5 five metropolitan court judges to sit as judges of the DWI
6 court. The DWI court shall hear cases arising out of
7 violations of the provisions of Sections 66-5-39 and 66-8-102
8 NMSA 1978 and other cases as designated by the chief judge.

9 D. There shall be eighteen judges of the Bernalillo
10 county metropolitan court."

11 Section 3. APPROPRIATION. -- Five hundred eighty-four
12 thousand three hundred ninety dollars (\$584,390) is
13 appropriated from the general fund to the Bernalillo county
14 metropolitan court for expenditure in fiscal year 2006 for
15 salaries and benefits and furniture, supplies and equipment for
16 two additional metropolitan court judges and support staff.
17 Any unexpended or unencumbered balance remaining at the end of
18 fiscal year 2006 shall revert to the general fund.